

**Summary of the Office Action**

Claims 1-2 and 4-8 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1-2 and 4-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hayashi (U.S. Pat. Pub. No. 2002/0013531) (hereinafter "Hayashi") in view of Sekiguchi (U.S. Patent No. 4,821,117) (hereinafter "Sekiguchi") and further in view of Konomura et al. (U.S. Patent No. 5,697,885) (hereinafter "Konomura").

**Summary of the Response to the Office Action**

Applicants have newly-amended independent claim 1, and dependent claims 2 and 6, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1, 2 and 4-8 remain currently pending and under consideration.

**Rejection under 35 U.S.C. § 112, First Paragraph**

Claims 1-2 and 4-8 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In response to the Examiner's comments at page 2, sections 1-2, of the Final Office Action, Applicants have newly-amended independent claim 1, and dependent claims 2 and 6, of the instant application to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, Applicants respectfully submit that the claims of the instant application, as newly-amended, fully comply with the requirements of 35 U.S.C. § 112, first

paragraph. As a result, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-2 and 4-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hayashi in view of Sekiguchi and further in view of Konomura. Applicants have newly-amended independent claim 1, and dependent claims 2 and 6, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants have newly-amended independent claim 1 of the instant application to describe a combination of features including:

- (1) the excitation light source unit has a plurality of excitation light sources and a supporting plate;
- (2) each of the excitation light sources is a light source that emits, as the excitation light, light of the same wavelength; and
- (3) the excitation light sources are arrayed two-dimensionally with a central axis of the excitation light source unit, which is matched with an optical axis of the image pickup device, as a symmetry axis.

For the above-described features (1) to (3), Applicants respectfully submit that there are supporting descriptions in the specification of the present application such as “[e]xcitation light source unit 2 has a plurality of excitation light sources 2a and a supporting plate 2b, on one

surface of which excitation light sources 2a are installed,” “[e]ach of the plurality of excitation light sources 2a is a light source that emits, as the excitation light, light of the same wavelength,” and “excitation light sources 2a are arrayed two-dimensionally with a central axis Ax of excitation light source unit 2, which is an optical axis of detecting apparatus 1, as a symmetry axis” in paragraph [0022] of the specification of the instant application, and “image pickup device 4 is disposed integrally with excitation light source unit 2 with optical axis Ax being matched” in paragraph [0026] of the specification of the instant application.

Applicants respectfully submit that by utilizing the configuration including the above-described features, “with excitation light source unit 2, shown in FIGS. 1 and 2, by two-dimensional arraying of the plurality of excitation light sources 2a, excitation light 10 can be illuminated uniformly across a predetermined range onto living body observation portion 20.” In this regard, Applicants refer, to paragraph [0035] of the specification of the instant application.

Applicants respectfully submit that the detailed configuration of the excitation light source unit, which is described in newly-amended independent claim 1 including the above-described features, is neither disclosed nor suggested in the applied documents of Hayashi, Sekiguchi, and Konomura.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Hayashi, Sekiguchi and Konomura, whether taken separately or combined, do not teach or suggest each feature of newly-amended independent claim 1 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest

any of the combinations recited in Applicants' claims, and if anything appears to teach away from the current claim recitations, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 2 and 4-8 are allowable at least because of their dependence from newly-amended independent claim 1, and the reasons discussed previously.

### **CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the objections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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Respectfully submitted,

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